

BLUFFTON TOWN COUNCIL MEETING MINUTES  
January 13, 2015

Mayor Sulka called the meeting to order at 6:00 p.m. Council members present were Mayor Pro Tempore Huffman, Lavery, Hamilton, and Toomer.

Town Manager/Executive Director of the Bluffton Public Development Corporation Orlando, Deputy Town Manager Hodge, Director of Finance Freeman, Director of Growth Management Leininger, Director of Public Works/Engineering Jones, Human Resources Director Robinson, Chief of Police Reynolds, and Town Attorney Finger were also in attendance.

Pledge of Allegiance and Invocation was given by Councilman Hamilton.

Adoption of Agenda:

**Huffman moved to adopt the agenda as presented. Lavery seconded. The motion carried unanimously.**

Adoption of Minutes of December 9, 2015:

**Toomer moved to adopt the minutes of December 9, 2015 as presented. Lavery seconded. The motion carried unanimously.**

Communications from Mayor and Council:

**Huffman** stated the Bluffton Middle School's Robotic Team advanced to the state competition that will be held on March 7<sup>th</sup> in Summerville. They are asking for donations for this event.

**Mayor Sulka** stated "Happy New Year" and welcomed everyone. She recognized the Sun City Government & Business Affairs Committee and Beaufort County Councilwoman Cynthia Bensch.

Presentations, Celebrations and Recognitions:

- a. Mayor Sulka read the Martin Luther King, Jr. Proclamation which was accepted by Anne Cooke and Renee Frazier.
- b. Mayor Sulka recognized Jimmy Baker, Senior Vice-President of Marketing & Public Relations for Palmetto Electric for their Utility Tax Credit Award in the amount of \$150,000 and the Central Electric Power's check in the amount of \$12,000.

Public Comments:

**James Haberberger**, 605 Sandy Shoals Pass, stated he is in support of the proposed dog park. There have been very successful in other locations. Dog parks give dogs and their owners a chance to socialize, play and exercise.

**Pat Hanock**, 17 Sassafras Street, stated she is a realtor and lives and has sold properties in Bluffton Park. She opposes the proposed dog park because of residents being subjective to barking dogs, increase in traffic, negative impact on rentals and property values, and run-off to the May River. The park should be located away from nearby residents.

**Debra Karambelas**, 31 Gold Oak Drive, President of the Friends of Bluffton Dog Park, stated having a dog park would enhance safety. The proposed park will have a buffer of 300 feet to the nearest house, a 5 foot fence, landscaping, loose dogs will be addressed, and "dog poop will be scooped".

**Paige Camp**, 41 Calhoun Street, thanked Council/Staff on the new tree located at Tom Herbkersman Commons at the 4-way stop and how well the transition took place.

She stated her concerns on the agenda item conditionally permitting the sale of low speed recreational vehicles. The Planning Commission did not approve the outside display and ask Council to consider the final decision with the following conditions:

The precedence this sets for future businesses; the practicality of police enforcement; and future small outdoor car lots within the Neighborhood Core- Historic District.

**Bonnie Ridgely**, 27 Fifth Avenue, stated that having a dog park is a good thing but has concerns on the proposed location. Barking dogs are considered noise.

**Dan Wood**, 35 Boundary Street, thanked Council and Staff on their commitment to the community. He stated having more workshops is good.

**Earle Lockheart**, 19 Sugar Maple Lane, Bluffton Park, stated his concerns on the proposed dog park. Dog fights, disease/parasites, and injury to dogs are a disadvantage to dogs. There are also noise and liability issues.

**Cheryl Raugh**, 8 Canterbury Lane, former President of Friends of Bluffton Dog Park, supports the proposed dog park. Having a workshop was a great idea.

**Diane Radcliff**, 4 Duxbury Lane, Treasurer of Friends of Bluffton Dog Park, stated there will be little barking so it would not be an issue for the residents. There will also be separate areas for the small and large dogs. Oscar J. Frazier Park is a public park, not private.

Consideration of Bluffton Dog Park Location at Oscar J. Frazier Park:

Lelie stated based upon research of several dog parks built in other communities as well as best practices for park planning please find below a synopsis of Staff's findings and recommendations pertaining to locating a community dog park on Oscar Frazier Park.

**A. Need/Benefits May Include:**

1. Dog parks can provide positive communal gathering space for canines and humans;
2. Improvements to a park for multiple uses creates equitable community recreation space; and
3. Improvements to a park with a dog park provide a controlled area for off-leash activity and reduce conflicts with other park users.

**B. Potential Issues May Include:**

1. Conflicts between humans and canines;
2. Noise;
3. Aesthetics;
4. Disposal of refuse;
5. Long-term maintenance;
6. Community liability;
7. Environmental impacts; and
8. Unbudgeted costs.

**C. Location Criteria for Consideration:**

1. Avoid displacing existing activities;
2. Locate away from children's activities;
3. Ensure adequate buffer from residential uses;
4. Provide adequate parking including ADA parking and pedestrian access;
5. Avoid environmentally sensitive areas;
6. Ensure positive drainage; and
7. Do not impact visual character of existing park.

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Consideration of Bluffton Dog Park Location at Oscar J. Frazier Park – Continued:

**D. Design Guidelines:**

Lelie gave an overview of the design examples used as a basis for the following guidelines:

1. Ideal park size ranges from 1 to 5 acres depending upon the size of the receiving park and type of park (regional, community or local);
2. Provide methods to ensure fecal matter and other waste will not enter streams and waterways. Use of a 25' vegetative buffer is recommended;
3. Optimal fence height should be between 5 and 6 feet;
4. Soften fence with decorative fencing and/or plantings;
5. Install double gate system (12'x12') with a paved area;
6. Separate small dog area from large dog area and provide separate entrance areas;
7. Provide sufficient seating;
8. Surface should be turf/grass;
9. Provide a paved or unpaved trail (8-10' wide) looping the dog park;
10. Provide water source for dogs;
11. Provide area for bag dispenser/trash receptacle;
12. Provide shade; and
13. Provide adequate directional signs and display of rules.

**E. Oscar Frazier Park Site Suitability**

Based upon the criteria above, Staff recommends locating the dog park at Oscar Frazier Park as illustrated below. Staff bases this recommendation upon the below assessment:

General Criteria for Dog Park Location	Proposed Location
Existing activities are not displaced	Meets Criteria
Located away from children's activities	Meets Criteria
100' Buffer from residential	Exceeds Criteria
Located near ADA accessible parking	Meets Criteria
Not an environmentally sensitive area	Meets Criteria
Positive Drainage	Meets Criteria
Does not impact visual character	Meets Criteria

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Consideration of Bluffton Dog Park Location at Oscar J. Frazier Park – Continued:

Council discussed the following:

- Parking issues
- Off-leash facility
- Budget of Dog Park
- Dog Park Rules
- No night time operations
- Liability
- Recommended the Bluffton Park residents and the Friends of Bluffton Dog Park meet to discuss issues and seek solutions

**Council was in consensus to move forward with the proposed dog park with the recommended location with the following conditions:**

1. Amend the existing Memorandum of Agreement between the Town of Bluffton, Beaufort County, and Friends of the Bluffton Dog Parks to reflect the new location in Oscar Frazier Park;
2. Amend Oscar Frazier Park Master Plan;
3. Coordinate proposed design and cost details with The Friends of Bluffton Dog Parks;
4. Coordinate as needed with Beaufort County;
5. Establish lease, liability and maintenance agreements for Town Council approval; and
6. Coordinate with The Friends of Bluffton Dog Parks to construct Bluffton Dog Park.

May River Quarterly Update:

Ritchie stated that in 2014 through its projects and programs, the Stormwater Management Division continued to implement the May River Watershed Action Plan initiatives in support of the Town's goals to "celebrate and protect the May River" and "promote a livable, sustainable Bluffton."

Major accomplishments and milestones this past year include:

- Continued monitoring of the New Riverside Stormwater Lagoon, which has shown a 70% reduction in fecal coliform levels as stormwater enters and exits the pond;

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May River Quarterly Update – Continued:

- Formalized an agreement with the Pine Ridge community for the Pine Ridge Stormwater Lagoon Retrofit, the Town's second Section 319 Grant project, and began flow and rainfall monitoring for the project;
- Executing a contract with the Versar team to provide stormwater consulting services in support of initiatives identified in the Action Plan;
- Two staff members receiving their Certified Erosion Prevention and Sediment Control Inspector (CEPSCI) certification through South Carolina Department of Health and Environmental Control (SCDHEC), and three staff members receiving their Certified Stormwater Plan Review certification through SCDHEC;
- Conducting over 2,200 construction-site inspections;
- Collecting an additional 2,028 GPS stormwater infrastructure data points for the May River Headwaters drainage area;
- Organizing and conducting two May River cleanups where 330 volunteers removed approximately 2.4 tons of trash from the river and the streets leading to the river;
- Facilitating 23 septic system inspections and pump-outs/repairs;
- Continued education and outreach to the community and state through speaking engagements, presentations, manuscripts and public service announcements;
- Coordination with Public Works on ditch maintenance and street cleaning;
- Coordination with the Town's project managers to ensure that water quality improvements are incorporated into the Town's non-stormwater related Capital Improvement Projects; and
- The Town of Bluffton officially receiving its Municipal Separate Storm Sewer System (MS4) designation from SCDHEC on October 1, 2014.

Much work will be performed in the coming months in response to the MS4 designation. Staff is currently preparing its Notice of Intent (NOI) package that will be submitted to the South Carolina Department of Health and Environmental Control (SCDHEC) for their review and approval. The NOI package defines the Town's MS4 program and provides SCDHEC with measurable goals for each of the stormwater minimum control measures required by the permit.

The collaborative effort and teamwork that exists between all of the different departments and divisions within the Town gives the Stormwater Management Division an opportunity to perform its job better, and more efficiently. Although the coming year will be a busy one, we are confident that the qualified, dedicated staff of the Stormwater Management Division will continue to implement the Action Plan to improve conditions in the May River, while defining, permitting, and implementing the MS4 program.

An Ordinance to Amend the SCE&G Franchise Agreement to Repeal Ordinance No. 2013-05 – Final Reading:

Finger stated Ordinance No. 2013-05 amended the SCE&G Franchise Agreement to increase the franchise fee to five (5) percent of the gross revenue. The Town of Bluffton and SCE&G disagreed about the effective date of the increase but now have settled their differences by means of a settle agreement. The proposed Ordinance will repeal Ordinance No. 2013-05 and to enact this Ordinance in its place, with the same effective date as Ordinance No. 2013-05. There were no changes since first reading held on December 9, 2014.

**Lavery moved to have final reading on an Ordinance to Amend the SCE&G Franchise Agreement to repeal Ordinance No. 2013-05. Hamilton seconded. The motion carried unanimously.**

Presentation of Town of Bluffton 2014 Audit:

Freeman presented the Town of Bluffton 2014 Audit to Council. Arlynn Stroman of KRT, CPA's, stated the audit went well with no significant issues. The audit is a clean opinion and statements are materially correct.

FY 2015 Budget Amendment Ordinance Amending Carry Forward from Prior Year any Unspent LCOG Home Grant Funds and Energov Contract Expenditures – First Reading:

Freeman stated the proposed ordinance will increased the General Fund to \$132,620 for the Neighborhood Assistance Program. In FY 2014, the General Fund received the LCOG Home Grant for the Neighborhood Assistance Program in the amount of \$142,620. The remaining funds to be budgeted in FY 2015 are \$132,620.

**Huffman moved to have first reading on the FY 2015 Budget Amendment Ordinance Amending Carry Forward from Prior Year any Unspent LCOG Home Grant Funds and Energov Contract Expenditures. Lavery seconded. The motion carried unanimously.**

An Ordinance Amending Articles 4 and 9 of the Unified Development Ordinance Establishing Regulations to Conditionally Permit the Sale of Low Speed Recreational Vehicles in the Neighborhood Core HD District – First Reading:

Lelie stated on July 11, 2014, Randolph Stewart submitted an application requesting approval of a Zoning Text Amendment to permit the sale and rental of golf carts in the Neighborhood Core-HD (NC-HD) Zone. The Applicant represents the Owner (RKG Holding LLC) of Lot 10 within the Promenade, who intends to submit applications for a Certificate of Appropriateness and a Final Development Plan to construct a structure that will house a business which sells golf carts and golf cart accessories.

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An Ordinance Amending Articles 4 and 9 of the Unified Development Ordinance Establishing Regulations to Conditionally Permit the Sale of Low Speed Recreational Vehicles in the Neighborhood Core HD District – First Reading – Continued:

On December 17, 2014, Planning Commission held a public hearing on this item and recommended the proposed text amendment as a conditional use permitting only the sale of low speed recreational vehicles with the following conditions:

1. All operations, including the display of low speed recreation vehicles, shall be conducted within a fully enclosed building.
2. There shall be no repair or servicing of low speed recreational vehicles permitted.
3. No low speed recreational vehicle that is for rent, lease, or is gas powered shall be made available on-site.
4. There shall be a minimum distance of 500 feet between properties, measured from the nearest property lines that have the same low speed recreational sales use.
5. Notice of applicable traffic laws and a map of legal streets of operation pertaining to low speed recreational vehicles must be provided to the customer during the transaction and copy of said laws and map provided with the low speed recreational vehicle. The customer shall sign an acknowledgement of receipt of the applicable traffic laws and map of legal streets of operation.

These conditions as recommended by Planning Commission are included in the proposed UDO text amendment ordinance.

In accordance with the South Carolina Uniform Act Regulating Traffic on Highways, golf carts are not excluded from the definition of "motor vehicle" and therefore are regulated as a "motor vehicle". The UDO does not currently permit "Motor Vehicle Sales and Service" in the NC-HD district. As such, the Applicant is requesting an amendment to Section 4.3 "Uses by District" to permit the sales and rental of golf carts.

**Huffman moved to have first reading as recommended by the Planning Commission on an Ordinance Amending Articles 4 and 9 of the Unified Development Ordinance Establishing Regulations to Conditionally Permit the Sale of Low Speed Recreational Vehicles in the Neighborhood Core HD District. Lavery seconded. The motion carried unanimously.**

**Hamilton moved for the outdoor display not exceeds three (3) vehicles a maximum of ten (10) feet from the principal building and not located in a commons or public area or in parking lots. Toomer seconded. The vote was three in favor. Two opposed. Motion carries.**



Amendment to the Bluffton Public Development Corporation By-Laws:

Orlando stated on October 16, 2014, the Bluffton Public Development Corporation (BPDC) Board and the Town Council held a joint meeting to discuss economic development efforts, clarify the roles and responsibilities of each entity, and determine next steps. One action item resulting from this joint meeting was to amend the BPDC By-Laws to add representatives of the Town Council as ex-officio members of the BPDC Board.

The proposed By-Laws amendment incorporates provisions for two members of Town Council to serve as ex-officio members of the Board as well as other minor revisions. These further revisions serve to clarify membership provisions regarding terms, appointments, and quorums as well as removing the requirement for monthly meetings of the Board.

**Huffman moved to approve the Amendment to the Bluffton Public Development Corporation By-Laws and to appoint Councilmembers Lavery and Toomer to serve as ex-officio members on the BPDC. Lavery seconded. The motion carried unanimously.**

Consent Agenda:

- a. Staff Reports: Police, Administrative/Finance, Engineering/Public Works, Don Ryan Center for Innovation, and Growth Management
- b. Town Manager's Report
- c. Appointment of Jeremy Ritchie as Town of Bluffton Representative to the Beaufort County Stormwater Utility Board:  
Staff recommends Town Council to appoint Jeremy Ritchie as the ex officio representative for the Town of Bluffton to the Beaufort County Stormwater Management Utility Board. In accordance with the "Stormwater Management and Utility Agreement between Beaufort County, South Carolina, and the Town of Bluffton, South Carolina," the Town of Bluffton holds a nonvoting, ex officio seat on the Beaufort County Stormwater Management Utility Board (SWU Board) to advise the staff of the stormwater management utility. All ex officio members shall be appointed by their respective municipal councils for four-year terms. A vacancy will be created for the Town's representation as Kimberly Jones will be stepping down from that role. To that end, Staff recommends that Jeremy Ritchie, the Division Director of Stormwater Management, represent the Town of Bluffton on the SWU Board.
- d. Adoption of 2015 Town Council Workshop Schedule

**Lavery moved to accept the Consent Agenda as presented. Toomer seconded. The motion carried unanimously.**

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Public Comments:  
There were none.

Meeting adjourned at 7:45 p.m.

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Mayor

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Town Clerk